

Santa Rosa County Sheriff's Office

SI# 8-043



Santa Rosa Sheriff's Office Sheriff Bob Johnson

CITIZEN COMPLAINT REPORT

Nature of Complaint: Citizen Complaint Date of Incident: 09/23/18

Location of Incident: Avalon blvd. Tom Thumb

Member(s) Involved: Officer Shawn Swindle, Kimberly Lee, Billy Peterson Trenton Peterson

Complainant: harassment

Date of Birth: 03-06-1980

Address: 5642 Vendome Court Milton 32583 Telephone #: 8502871069

Summary: Officer Deputy Swindle pulled in behind me last night without blue lighting me and came up to my vehicle as I was attempting to get gas. He informed me that he did not need my license as he said he knew who I was. He told me to go in the store and pay for my milk and gas. I made a phone call while in the store because I was scared that an officer would pull in behind me and tell me he knew who I was. When I came out of the store officer Swindle was visibly mad that I was on the phone. He told me he was going to warn me about my window tint but now he would write me a ticket for all four windows. He came back with only a warning and stated "I am gonna pull you over every time I see you now." I left the store to drive home and had Officer Swindle follow behind me until I turned off. As I got home my kids tell me that while I was in the store Officer Swindle commenced

I hereby swear and affirm that the above and all attached statements and/or documentation are true and correct to the best of my knowledge. I have fully read and understand the attached Florida State Statute § 112.533 regarding the Receipt and Processing of Complaints. Specifically, I acknowledge that until this investigation is completed, I am not to discuss my complaint with anyone other than the Deputy assigned to investigate my complaint or my legal representative.

Complainant's Signature: Kimberly Lee
Printed name: Kimberly Lee

seal

Sworn to and subscribed before me this
24 day of August 2018.

St. T. Fenn 10/99
Notary Signature

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ADMINISTRATIVE INVESTIGATIONS DIVISION CITIZEN COMPLAINT REPORT (Cont.)

to tell my fourteen year old "was his mom staying straight and off drugs." I do not use drugs. I have a medical cannabis license for my Crohn's disease and severe anxiety. Officer Swindle even gave me problems about my medicine and tells my kids I'm on drugs. I have spent 6 years in college and have role model children because I have sheltered them. It is not any officers place to speak to my children and add their own opinion which is shitty to say the least. I do not feel comfortable with Officer Swindle around me. I believe he is hitting on me and I am a married woman. It is a

gross abuse of power to pull up behind a woman and tell her "I am going to stop you every time I see you!" I do not need a stalker. I went home in fear last night that Deputy Shaun Swindle would be in my neighborhood. This is not acceptable behavior for anyone, including an officer. A normal citizen without a badge would be in trouble over stalking someone. How much worse for a deputy in your department to get away with it.

Deputies should be role models in our community not overbearing stalkers of women around the county. Enough is enough. I don't want to be the next news story where a girl is raped or worse by an officer of the law. The lack of blue lights is a big red flag to my husband, my kids, my family, and mostly myself.

112.533 Receipt and processing of complaints--

- (1) Every law enforcement agency and correctional agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints received by such

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agency from any person.

- (2) (a) A complaint filed against a law enforcement deputy or detention deputy with a law enforcement agency or correctional agency and all information obtained pursuant to the investigation by the agency of such complaint shall be confidential and exempt from the provisions of s. 119.07(1) until the investigation ceases to be active, or until the agency head or the agency head's designee provides written notice to the deputy who is the subject of the complaint, either personally or by mail, that the agency has either:
1. Concluded the investigation with a finding not to proceed with disciplinary action or to file charges; or
 2. Concluded the investigation with a finding to proceed with disciplinary action or to file charges.

Notwithstanding the foregoing provisions, the deputy who is the subject of the complaint may review the complaint and all statements regardless of form made by the complainant and witnesses immediately prior to the beginning of the investigative interview. If a witness to a complaint is incarcerated in a correctional facility and may be under the supervision of, or have contact with, the deputy under investigation, only the names and written statements of the complainant and no incarcerated witnesses may be reviewed by the deputy under investigation immediately prior to the beginning of the investigative interview.

- (b) This subsection does not apply to any public record which is exempt from public disclosure pursuant to Fla. Stat. 119.07(3). For the purposes of this subsection, an investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding is made within 45 days after the complaint is filed.
- (c) Notwithstanding other provisions of this section, the complaint and information shall be available to law enforcement agencies, correctional agencies, and state attorneys in the conduct of a lawful criminal investigation.

- (3) A law enforcement deputy or detention deputy has the right to review his or her official personnel file at any reasonable time under the supervision of the designated records custodian. A law enforcement deputy or detention deputy may attach to the file a concise statement in response to any items included in the file identified by the deputy as derogatory, and copies of such items must be made available to the deputy.

- (4) Any person who is a participant in an internal investigation, including the complainant, the subject of the investigation, the investigator conducting the investigation, and any witnesses in the investigation, who willfully discloses any information obtained pursuant to the agency's investigation, including, but not limited to, the identity of the deputy under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential internal investigation of an agency, before such complaint, document, action, or proceeding becomes a public record as provided in this section commits a misdemeanor of the first degree, punishable as provided in F.S.S. 775.082 or F.S.S. 775.083. However, this subsection does not limit a law enforcement or detention deputy's ability to gain access to information under paragraph (2)(a). Additionally, a sheriff, police chief, or other head of a law enforcement agency, or his or her designee, is not precluded by this section from acknowledging the existence of a complaint and the fact that an investigation is underway.

History.—F.S.S. 3, ch. 74-274; F.S.S. 3, ch. 82-156; F.S.S. 1, ch. 82-405; F.S.S. 1, ch. 83-136; F.S.S. 1, ch. 87-59; F.S.S. 2, ch. 89-223; F.S.S. 1, ch. 90-32; F.S.S. 31, ch. 90-360; F.S.S. 3, ch. 93-19; F.S.S. 722, ch. 95-147; F.S.S. 39, ch. 96-406; F.S.S. 2, ch. 98-249; F.S.S. 2, ch. 2000-184.